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4292-101 (New)

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REMARKS

Claims 1-4, 7-26, 29-40 and new claims 41-43 are pending. Claims 5-6 and 27-28 have been cancelled without prejudice. Claims 1, 7, 8, 11, 12, 14, 15, 16, 18, 19, 20, 21, 25, 26, 30, and 39 have been amended. New claims 41-43 have been added directed certain aspects of the invention. It is noted that new claims 41-43 parallel cancelled claims 27-28. It is respectfully requested that since new claims 41-43 ultimately depend from base claim 1, these new claims be allowed for the reasons noted below with respect to allowability of claim 1.

The foregoing listed claim amendments and new claims are fully supported by the originally filed specification. Thus, no new matter has been introduced.

Allowable Subject Matter

Applicants earnestly thank the Examiner for indicating the allowance of claims 6-11, 14-15, 17-26, 29-30, and 37-38 as noted on pages 8-9 of the Office Action. As indicated by the Examiner, these claims would be allowable "if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Accordingly, to expedite prosecution, Applicants have incorporated the language of allowable claim 6 into base claim 1 – in effect – rewriting claim 6 as independent claim 1. All of the pending claims ultimately depend from amended claim 1 which includes the allowable features of claim 6.

In view of the foregoing, all the pending claims are now allowable and Applicants request a written indication of the same.

Withdrawal of Claims 27-28

The July 31, 2006 Office Action asserts two relevant statements (at page 2, paragraph 1, lines 1-5 thereof) reciting:

[1] Claims 27-28 are withdrawn . . . from further consideration . . . as being drawn to a nonelected species, there being no allowable generic or linking claim. [2] Though applicant stated in the reply that all claims are readable upon the elected species, the examiner disagrees and refers applicant to claims 27-28 which claim subject matter from figures 8-9, figures of which are from a species not elected in the restriction requirement. [(Emphasis added.)]

In response to the first statement marked by [1] above, Applicants submit that for the reasons noted below that while claims 27-28 have now been cancelled, new claims 41-43 ultimately depend from base claim 1 which is allowable for the reasons noted below. For such reasons noted below, Applicants respectfully submit that because base claim 1 is allowable, new claims 41-43 (ultimately depending from base claim 1) are likewise allowable.

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In response to the statement marked by [2] above, Applicants respectfully submit that the Restriction Requirement mailed April 18, 2006 required an election of species between three species identified as Species I, II, and III which are quoted verbatim below from page 2 (of the April 18, 2006 Restriction Requirement):

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I, directed to the embodiment(s) shown in Figs. 1-3, incorporating a pin from either Figs. 4-5 or Figs. 10-11; and a retaining member from either Figs. 6-7 or Figs. 8-9. [(Emphasis added.)]

Species II, directed to the embodiment(s) shown in Figs. 12-13. [(Emphasis added.)]

Species III, directed to the embodiment(s) shown in Fig. 14. [(Emphasis added.)]

The import of the foregoing quotation from the April 18, 2006 Restriction Requirement is that the Restriction Requirement itself identified Species I to include the retaining member from Figs. 8-9. In response the election of species requirement between Species I, II, and III, Applicants responded as follows on May 18, 2006:

In response to the requirement under 35 USC [§] 121 that applicants elect a single disclosed species for prosecution on the merits, applicants hereby elect Species I from the foregoing listing of Species I-III. [(Emphasis added; Bold emphasis in original.)]

Thus, Applicants correctly elected Species I which included in the Restrictions Requirements' words quoted above the "retaining member from either Figs. 6-7 or Figs. 8-9." As such, Applicants submit that claims 27-28 should not have been withdrawn.

In any event, to avoid any disagreement on procedural inconsistency and to further prosecution, Applicants have cancelled claims 27-28 and have added new claims 41-43 that ultimately depend from base claim 1 – which Applicants respectfully submit are allowable for the reasons enumerated below.

**Claim Rejections under 35 U.S.C. § 112, second paragraph**

Claims 20 and 21 are rejected under 35 USC § 112, second paragraph, for the reasons noted at pages 3-4 of the Office Action. In response, Applicants have deleted the offending term "particular" (from claim 20) and replaced the offending term "first formation" with the term "retaining formation" (in claim 21). Furthermore, claims 5 and 6 have been cancelled.

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In view of the foregoing, the term "retaining formation" is definite under 35 USC § 112, second paragraph. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 20-21 under 35 USC § 112, second paragraph.

Should any issues remain with respect to the instant rejection under 35 USC § 112, second paragraph, the Examiner is earnestly requested to contact the undersigned as necessary to secure allowance of all pending claims. The undersigned may be contacted at (202) 468-0420 (voice line) or at (703) 912-4981 (fax) or by mail at the address listed on the last page.

**Claim Rejections under 35 USC § 102(b)**

Claims 1-5, 12-13, 16, 31-36 and 39-40 are rejected under 35 USC § 102(b) as being anticipated by U.S. Pat. No. 5,983,534 to Robinson et al. (hereinafter "Robinson") for the reasons noted at pages 4-8 of the Office Action.

In order to expedite prosecution, Applicants have amended base claim 1 to incorporate the allowable subject matter of claim 6 as noted above. Further, claims 5 and 6 have been cancelled in favor of the amendments to claim 1 noted herein. Also, because remaining claims 2-4, 12-13, 16, and 31-36 ultimately depend from amended claim 1 (now including the relevant allowable language of claim 6 noted above together with relevant language from claim 5) and claims 39-40 contain the relevant allowable language of claim 6 together with relevant language from claim 5, Applicants respectfully submit that claims 1-4, 12-13, 16, 31-36 and 39-40 (as well as new claims 41-43 also depending on amended claim 1) are allowable over Robinson for the same reasons noted in the Office Action that claim 6 was indicated as "allowable subject matter."

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2-4, 12-13, 16, 31-36 and 39-40 under 35 USC § 102(b) over Robinson.

**POWER OF ATTORNEY AND CORRESPONDENCE ADDRESS INDICATION  
FORM and STATEMENT UNDER 3.73(b)**

Note that with this Amendment and Response is being filed with a Power of Attorney and Correspondence Address Indication Form duly executed on this 30<sup>th</sup> of October 2006 by Mr. Richard Andrews, Managing & Sole Director for Cutting Edges Replacement Parts Pty. Ltd., the Assignee and owner of 100% of the interest in Application Serial No. 10/528,469.

Ownership by Cutting Edges Replacement Parts Pty. Ltd. is obtained by virtue of assignments (1) from (Assignor) David DINGWALL to (Assignee) Cutting Edges Pty. Limited as recorded on March 6, 2006 at Reel 017642, Frames 0342-48, (2) from (Assignors) Wayne BRINKLEY and Bruce GALE to (Assignee) Cutting Edges Pty. Limited as recorded on March 6, 2006 at Reel 017642, Frames 0331-37, and (3) from (Assignee) Cutting Edges Pty. Limited to

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(Assignee) Cutting Edges Replacement Parts Pty. Limited as recorded on March 6, 2006 at Reel 017719, Frames 0434-38 before the U.S. Patent and Trademark Office (USPTO).

A copy of the necessary Statement Under 37 C.F.R. § 3.73(b) duly executed on this 30<sup>th</sup> of October 2006 by Richard Andrews, Managing & Sole Director for Cutting Edges Replacement Parts Pty. Ltd., the Assignee and owner of 100% of the interest in Application Serial No. 10/528,469 is attached.

Also, a copy of the Patent Assignment Abstract of Title is attached reflecting the above-noted Assignment recordation records for convenience.

**CONCLUSION**

For the reasons noted, Applicants respectfully submit that all the pending claims are now in proper form and condition for allowance. Favorable action is hereby requested. If any issues remain, incident to the formal allowance of the application, the Examiner is requested to contact the undersigned attorney at (202) 468 - 0420 (voice) or at (703) 912- 4981 (fax) to resolve same, so that the patent on this application can be issued at the earliest possible date.

Respectfully submitted,

Date: October 30, 2006

Ajay S. Pathak

Ajay S. Pathak

Reg. No. 38,266

Attorney for Applicants

**Attachments:**

- (1) Power of Attorney and Correspondence Address Indication Form (executed on 30<sup>th</sup> October 2006 by Mr. Richard Andrews, Managing & Sole Director for Cutting Edges Replacement Parts Pty. Ltd., the Assignee and owner of 100% of the interest in Application Serial No. 10/528,469) – 1 page;
- (2) Statement under 37 C.F.R. § 3.73(b) (executed on 30<sup>th</sup> October 2006 by Mr. Richard Andrews, Managing & Sole Director for Cutting Edges Replacement Parts Pty. Ltd., the Assignee and owner of 100% of the interest in Application Serial No. 10/528,469) – 1 page;
- (3) Assignment Abstract of Title (for Application Serial No. 10/528,469 printed from the USPTO website on October 12, 2006) – 2 pages

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**NO FEES ARE BELIEVED TO BE DUE FOR THE FILING OF THIS PAPER AND ITS  
ATTACHMENTS ON THIS 30<sup>TH</sup> OF OCTOBER 2006**